

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DOMINICO MIRARCHI and
EMELIA MIRARCHI,
Plaintiffs,**

v.

**THE PENNSYLVANIA STATE POLICE,
MICHAEL PERILLO, Pennsylvania State
Police Trooper, and
BRUCE WILLIAMS, Pennsylvania State
Police Troop K Barracks Commander,
Defendants.**

CIVIL ACTION

NO. 18-286

ORDER

AND NOW, this 10th day of August, 2018, upon consideration of Defendants' Motion to Dismiss (Document No. 6, filed April 9, 2018) and Plaintiffs' Response in Opposition to Defendants' Motion to Dismiss (Document No. 9, filed May 7, 2018), **IT IS ORDERED** that Defendants' Motion is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1) That part of the Motion which seeks to dismiss Count II of the Complaint is **GRANTED** and Count II is **DISMISSED WITH PREJUDICE**. The Pennsylvania State Police and Bruce Williams, named as defendants in Count II, are **DISMISSED** as defendants **WITH PREJUDICE** and **REMOVED** from the caption;

2) The Motion is **DENIED** in all other respects.

IT IS FURTHER ORDERED that a preliminary pretrial conference shall be scheduled in due course.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.

